

1 Department of Public Safety  
2 Driver and Vehicle Services Division

3  
4 Adopted Permanent Rules Relating to Drivers' Licensure Following  
5 Disqualification of Commercial Drivers

6  
7 Rules as Adopted

8 7409.0100 DEFINITIONS.

9 Subpart 1. **Scope.** For this chapter, the terms defined in  
10 this part have the meanings given them.

11 Subp. 2. **Commercial motor vehicle.** "Commercial motor  
12 vehicle" has the meaning given it in Minnesota Statutes, section  
13 171.01, subdivision 22.

14 A commercial motor vehicle does not include a farm truck,  
15 fire truck or other emergency fire equipment, or recreational  
16 equipment operated by a person within the scope of Minnesota  
17 Statutes, section 171.02, subdivision 2, paragraph (a).

18 Subp. 3. **Commissioner.** "Commissioner" means the  
19 commissioner of the Minnesota Department of Public Safety,  
20 acting directly or through authorized officers and agents.

21 Subp. 4. **Conviction; convicted.** "Conviction" or  
22 "convicted" has the meaning given it in Minnesota Statutes,  
23 section 171.01, subdivision 13.

24 Subp. 5. **Department.** "Department" means the Minnesota  
25 Department of Public Safety.

26 Subp. 6. **Disqualification; disqualify.** "Disqualification"  
27 or "disqualify" means the commissioner's removal of the  
28 privilege to drive commercial motor vehicles for a specific  
29 period under Minnesota Statutes, section 171.165.

30 Subp. 7. **License.** "License" means an operator's license  
31 or other license or permit to operate a motor vehicle issued or  
32 issuable by the commissioner including:

- 33 A. a temporary license or instruction permit;
- 34 B. the privilege of a person to drive a motor
- 35 vehicle, whether or not that person holds a valid license;

- 1 C. a nonresident's driving privilege; and  
2 D. the plastic or paper license certificates.

3 Subp. 8. **Revocation.** "Revocation" means the  
4 commissioner's withdrawal of a person's driver's license and  
5 privilege to drive in this state for a specific minimum time  
6 under Minnesota Statutes, section 169.121, 169.123, or 171.17.

7 Subp. 9. **Suspension.** "Suspension" means the  
8 commissioner's temporary withdrawal of a person's driver's  
9 license and privilege to drive in this state under Minnesota  
10 Statutes, section 169.121, subdivision 8, or 171.18.

11 7409.0200 COMMERCIAL DRIVER'S LICENSE DISQUALIFICATION.

12 Subpart 1. **Leaving accident scene.** Upon receiving a  
13 record of conviction, the commissioner shall disqualify a person  
14 from holding a commercial driver's license if the person was  
15 convicted under Minnesota Statutes, section 169.09, subdivision  
16 1 or 2, and the person was driving, operating, or in physical  
17 control of a commercial motor vehicle at the time of violation  
18 of section 169.09, subdivision 1 or 2. The disqualification  
19 period is:

- 20 A. one year, for the first conviction;  
21 B. three years, if the person was transporting  
22 hazardous materials at the time of the violation; or  
23 C. life, if the person has a previous  
24 disqualification under this subpart, subpart 2 or 3, or  
25 Minnesota Statutes, section 171.165, subdivision 1, clause (1),  
26 or subdivision 2.

27 Subp. 2. **Felony, using commercial vehicle.** Upon receiving  
28 a record of conviction, the commissioner shall disqualify a  
29 person from holding a commercial driver's license if the person  
30 was convicted of a felony in which a commercial motor vehicle  
31 was used, other than a felony described in subpart 4. The  
32 disqualification period is:

- 33 A. one year, for the first conviction;  
34 B. three years, if the person was transporting  
35 hazardous materials at the time of the commission of the felony;

1 or

2 C. life, if the person has a previous  
3 disqualification under this subpart, subpart 1 or 3, or  
4 Minnesota Statutes, section 171.165, subdivision 1, clause (1),  
5 or subdivision 2.

6 Subp. 3. **Out-of-state convictions.** Upon receiving a  
7 record of conviction from another state, the commissioner shall  
8 disqualify the convicted person from holding a commercial  
9 driver's license if the conviction would be grounds for  
10 disqualification under Minnesota Statutes, section 171.165,  
11 subdivision 1, clause (2) or (3). The disqualification is:

12 A. one year, for the first conviction;

13 B. three years, if the person was transporting  
14 hazardous materials at the time of the violation; or

15 C. life, if the person has a previous  
16 disqualification under this subpart, subpart 1 or 2, or  
17 Minnesota Statutes, section 171.165, subdivision 1, clause (1),  
18 or subdivision 2.

19 Subp. 4. **Manufacture, sale, or distribution of controlled**  
20 **substance.** Upon receiving a record of conviction, the  
21 commissioner shall disqualify a person from holding a commercial  
22 driver's license if the person is convicted under Minnesota  
23 Statutes, chapter 152, of the manufacture, sale, or distribution  
24 of a controlled substance or possession of a controlled  
25 substance with the intent to manufacture, sell, or distribute  
26 it, and it is found that a commercial motor vehicle was used in  
27 the commission of the felony. The disqualification period is  
28 for life.

29 Subp. 5. **Serious traffic violations.** Upon receiving a  
30 record of conviction, the commissioner shall disqualify a person  
31 from holding a commercial driver's license if the person was  
32 convicted of two or more serious traffic violations in a  
33 commercial motor vehicle within a three-year period. "Serious  
34 traffic violations" includes any combination of the following  
35 offenses:

36 A. operating the commercial motor vehicle at a speed

1 15 miles per hour or more above the posted speed limit;

2 B. reckless or careless driving under Minnesota  
3 Statutes, section 169.13;

4 C. fleeing a peace officer under Minnesota Statutes,  
5 section 609.487; and

6 D. a violation of a moving traffic statute of  
7 Minnesota or another state, or an ordinance in conformity with a  
8 Minnesota statute, that arose in connection with a fatal  
9 accident.

10 The disqualification period is 60 days for two, or 120 days  
11 for three or more serious traffic violations occurring within a  
12 three-year period. The department shall use the date of the  
13 driving incident to establish the number of violations.

14 **Subp. 6. Reduction of lifetime disqualification.** The  
15 commissioner shall reduce the lifetime disqualification period  
16 imposed under subpart 1, item C, subpart 2, item C, or subpart  
17 3, item C, to a minimum of ten years disqualification if the  
18 person demonstrates rehabilitated driving practices in the  
19 ten-year period following the effective date of the lifetime  
20 disqualification. A person is considered rehabilitated if  
21 during that ten-year period there is no revocation or conviction  
22 resulting from the operation of any type of vehicle for an  
23 offense listed in Minnesota Statutes, section 171.165,  
24 subdivision 1, or if the person's license is not revoked under  
25 Minnesota Statutes, section 169.123, or a statute or ordinance  
26 from another state in conformity with it. If rehabilitation is  
27 not so demonstrated during the initial ten-year period, the  
28 disqualification period remains lifetime.

29 7409.0300 NOTICE OF LICENSE ACTION.

30 **Subpart 1. Notice of possible disqualification.** The  
31 commissioner shall notify a person who is subject to possible  
32 disqualification under this chapter or when requirements from a  
33 previous disqualification have not been satisfied. The  
34 notification must be in writing and sent by first class mail to  
35 the address shown on department records. The notice must

1 contain the following information and may contain other  
2 information that the commissioner considers appropriate:

3           A. the person's full name, date of birth, driver's  
4 license number, height, and weight;

5           B. the current address obtained from the person's  
6 driver's license record, including street number, city, state,  
7 and zip code;

8           C. the date the notice is mailed;

9           D. the effective date of the disqualification order;

10           E. the reason for the disqualification;

11           F. the type of vehicle being operated at the time of  
12 the driving incident;

13           G. the length of the disqualification period;

14           H. a statement that the person has a right to  
15 administrative review under Minnesota Statutes, section 171.166;  
16 and

17           I. the length of time during which administrative  
18 review is available under Minnesota Statutes, section 171.166.

19           **Subp. 2. Notice of disqualification.** The commissioner  
20 shall notify a person who is disqualified under Minnesota  
21 Statutes, section 171.165, subdivision 1, clause (2), (3), or  
22 (4); subdivision 3; or subdivision 4, or when requirements from  
23 a previous disqualification have not been satisfied. The  
24 ~~notification~~ disqualification will be effective when all  
25 available possibilities of administrative review under Minnesota  
26 Statutes, section 171.166, have been completed. The  
27 notification must be in writing and sent by first class mail to  
28 the address shown on department records. The notice must  
29 contain the following information and may contain other  
30 information that the commissioner considers appropriate:

31           A. the person's full name, date of birth, height,  
32 weight, and driver's license number;

33           B. the current address obtained from the person's  
34 driver's license record, including street number, city, state,  
35 and zip code;

36           C. the date the notice is mailed;

- 1 D. the effective date of the disqualification order;  
2 E. the reason for the disqualification;  
3 F. the type of vehicle being operated at the time of  
4 the driving incident;  
5 G. the length of the disqualification period;  
6 H. a statement that by the effective date of  
7 disqualification, the person must surrender all license  
8 certificates or submit a sworn statement if a license was lost,  
9 stolen, or destroyed; and  
10 I. a statement informing the person of the  
11 requirements to reinstate the commercial driver's license.

12 Subp. 3. **Notice to other states.** When a nonresident is  
13 convicted of driving incidents that occurred while driving,  
14 operating, or in physical control of a commercial motor vehicle,  
15 the commissioner shall report that conviction to the driver's  
16 state of residence.

17 7409.0400 DRIVER'S LICENSE SURRENDER.

18 Subpart 1. **License surrender.** A person holding a license  
19 of any class issued by the department shall surrender the  
20 license when the person has been disqualified and received  
21 notification under part 7409.0300, subpart 2. If the person  
22 requests review of the disqualification under Minnesota  
23 Statutes, section 171.166, then the request to surrender the  
24 driver's license is effective upon receipt of the commissioner's  
25 decision. If the license subject to surrender has been lost,  
26 stolen, or destroyed, an affidavit or written statement  
27 explaining the loss must be submitted in its place. Affidavit  
28 forms must be available at the department driver examination and  
29 evaluation offices, where the person may surrender the withdrawn  
30 license or submit the affidavit or written statement.

31 Subp. 2. **Refusal to surrender license.** If a person fails  
32 or refuses to surrender a license within 15 days of the notice  
33 given under part 7400.0300, subpart 2, the commissioner shall  
34 inform the local law enforcement agency. The department shall  
35 request that the agency obtain the license or written statement

1 regarding the license's whereabouts. The disqualification  
2 period is in effect upon notifying the licensee, but credit must  
3 not be given toward the disqualification period until the  
4 license is surrendered.

5 Subp. 3. **Class C eligibility.** A person who is  
6 disqualified from holding a commercial driver's license but  
7 whose license is not otherwise under suspension, revocation, or  
8 cancellation and denial, must be issued a class C license. The  
9 class C license is valid until its expiration date or until the  
10 commercial driver's license is reinstated, whichever is earlier,  
11 if the driver's privileges are not suspended, revoked, or  
12 canceled and denied at any time during that period. If the  
13 class C license expires during the disqualification period, the  
14 person has the option of paying the commercial driver's license  
15 fee at the time of renewal for the classification under  
16 disqualification, but commercial motor vehicle privileges must  
17 not be reinstated until the requirements of part 7409.0600 are  
18 fulfilled.

19 Subp. 4. **Obtaining class C license.** A person who has been  
20 disqualified from operating commercial motor vehicles and is  
21 eligible for a class C license under subpart 3 must be issued a  
22 temporary class C license with the notice of disqualification.  
23 A paper license will be mailed by the department to the person  
24 at no cost. A person who would prefer a class C license card  
25 must apply for a duplicate class C license. The duplicate  
26 license fee must be paid and a receipt will be issued to the  
27 person showing the existence of class C driving privileges. The  
28 class C license card will be mailed to the person when it has  
29 been manufactured. A minimum of 90 days must be remaining in  
30 the disqualification period before a class C license card will  
31 be issued.

32 Subp. 5. **Class A, B, or CC license status.** The  
33 disqualified person will receive the original class A, B, or CC  
34 license when the person has fulfilled the reinstatement  
35 requirements under part 7409.0600, unless the license has  
36 expired and more than one year has elapsed since the expiration

1 date. If the license has expired and more than one year has  
2 elapsed, the person must reapply and retest for a class A, B, or  
3 CC license.

4 7409.0500 ADMINISTRATIVE REVIEW.

5 The commissioner shall follow the review provided for in  
6 Minnesota Statutes, section 171.166.

7 7409.0600 REINSTATEMENT.

8 Subpart 1. Reinstatement following disqualification. The  
9 commissioner shall reinstate the commercial motor vehicle  
10 driving privileges of a person who has been disqualified from  
11 holding a commercial driver's license when:

12 A. the disqualification period has been served and  
13 expired;

14 B. the person has paid the reinstatement fee as  
15 required by Minnesota Statutes;

16 C. the requirements imposed during this or a previous  
17 disqualification period have been satisfied; and

18 D. if issued, the class C license card is returned to  
19 the department.

20 Subp. 2. Reinstatement notice. After the person completes  
21 the requirements for reinstatement, the department shall notify  
22 the person by-mail of reinstatement. ~~The driving privilege is~~  
23 ~~reinstated only when the notice is sent to the address shown on~~  
24 ~~department records.~~